

EIGHTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
November 9, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Recorded Vote.

Senator Woodruff and Senator Hornsby asked unanimous consent to be recorded as voting "yea" on final passage of H. B. No. 47, to give it the required two-thirds vote to go into immediate effect.

Unanimous consent was granted.

House Bill No. 4.

The Chair laid before the Senate H. B. No. 4 which had been set for special order after the morning call Friday:

H. B. No. 4, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act."

Senator Holbrook sent up the following amendment:

Amend H. B. No. 4 by adding on page 7, line 27, printed bill the following:

To pay B. H. Faber, Gilmer, Texas, deficiency warrants Nos. 15241, 15121, 14990, 15158, 14981	\$768.59
To pay Mrs. W. B. Causey, Houston, Texas, refund on unused portion of Retail Liquor Dealer's license issued July 11, 1917	85.68
To pay Texarkana Water Corporation, overpayment of Franchise tax	280.00

HOLBROOK.

Read and adopted.

Senator Oneal sent up the following amendment:

Amend H. B. No. 4, by adding at the end thereof another item as follows:

To pay Wichita Falls Oxygen Company, Wichita Falls, Texas, refund of franchise tax paid in 1931, when none was due, \$45.60.

ONEAL.

Read and adopted.

Senator Stone sent up the following amendment:

Amend Committee Amendment to H. B. No. 4, by inserting the following:

To pay Mrs. I. C. Tuttle for excessive over charge on taxes collected on 100 acres of land of the Jas Foster 180 acres in Burleson County, Texas, for the period of 1915 up to and including 1929 inclusive which land was also assessed to the M. A. Matthews estate for the same period, \$134.00.

STONE.

Read and adopted.

Senator Purl sent up the following amendments:

Amendment No. 1.

Amend H. B. No. 4, page —, by striking out lines 27 and 28 and the figure \$295.38.

PURL.

Read and adopted.

Amendment No. 2.

Amend H. B. No. 4, page 4, by striking out lines 21 and 22 and the figures \$5075.00.

PURL.

Read and adopted.

Amendment No. 3.

Amend H. B. No. 4, by adding a new item to read as follows:

"There is hereby appropriated the sum of \$5000.00 or so much thereof as is necessary out of the General Fund to be used by the State Board of Control for the purchase and installation of fire-doors in the basement of the State Capitol.

PURL.

Read and adopted.

Senator Poage sent up the following amendment:

Amend H. B. No. 4, page 7, lines 3 and 4 by striking out the words: "in Eastland County, Texas."

POAGE.

Read and adopted.

Amendment No. 4.

Amend H. B. No. 4, page 1, by striking out lines 48 and 49.

PURL.

Read and adopted.

Amendment No. 5.

Amend H. B. No. 4, by striking out lines 21 and 27 on page 7.

PURL.

Motion to Table.

Senator Woodruff moved to table Amendment No. 5 by Purl.

The motion to table prevailed by viva voce vote.

Record of Vote.

Senator Purl asked to be recorded as voting "No" on motion to table.

Senator Murphy sent up the following amendment:

Amend H. B. No. 4, by inserting after the last sub-total on the last page of the bill the following and amend the grand total to conform:

"To pay W. R. Bryant, Sherman, Texas, transcript fees as official court reporter in cause No. 22099 of the District Court of Grayson County, 15th Judicial District, the State of Texas vs. Calvin Henry Smith, \$66.52.

MURPHY.

Read and adopted.

Senator Purl sent up the following amendment:

Amend H. B. No. 4, by adding the following:

Provided however, none of the monies herein appropriated shall be paid until and each item or items shall be authorized by the State Auditor and approved by the State Auditor and Comptroller and approved by the Attorney General.

DeBERRY,
PURL.

Read and adopted.

Senator Neal sent up the following amendments:

Amendment No. 1.

Amend H. B. No. 4 by inserting the following, between lines 49 and 50, page 3:

To pay witness fees T. E.

Norton.....\$ 3.84

Read and adopted.

Amendment No. 2.

Amend H. B. No. 4 by inserting the following between lines 49 and 50, page 3:

To pay witness fees Chas. F.

Norton.....\$ 3.84

Read and adopted.

Senator Woodruff got unanimous consent to amend H. B. No. 4 by adding a new section to be inserted after the grand totals and to read as follows:

"The fact that the claims herein appropriated for are long past due and the persons, firms and corporations to whom same are payable are being deprived of the proceeds thereof creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and same is hereby suspended, and this Act shall be in effect from and after its passage."

And amend the caption to conform.

WOODRUFF.

Adopted unanimously.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill as amended was read second time and passed to third reading by viva voce vote.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 4 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Purl.
Cousins.	Patton.
Duggan.	Poage.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—3.

Collie.	Parr.
DeBerry.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—23.

Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Patton.	

Nays—6.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Parr.

Absent—Excused.

Fellbaum.

House Bill No. 12.

Senator Beck called from the table H. B. No. 12.

H. B. No. 12, A bill to be entitled "An Act making appropriation for the manufacturing of typhus vaccines and serums by the State Health Department and paying for such extra labor as may be necessary, and declaring an emergency."

Senator Poage sent up the following amendment:

Amend H. B. No. 12 by striking out "General Revenue" and inserting "Relief Funds."

POAGE.

Read and the amendment was lost by the following vote: :

Yeas—10.

DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Sanderford.
Oneal.	Stone.
Poage.	Woodul.

Nays—14.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Pace.
Cousins.	Parr.
Greer.	Patton.
Hornsby.	Redditt.
Martin.	Regan.

Absent.

Hopkins.	Woodruff.
Moore.	Woodward.
Small.	

Absent—Excused.

Fellbaum.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Bill and Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of

the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 9.

H. C. R. No. 3.

Bill Referred.

H. B. No. 77, referred to the Committee on County and County Boundaries.

H. C. R. No. 4.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 4, Relating to wage scale and hour policy of certain employees.

The committee report was adopted.

Senator Purl moved to adopt H. C. R. No. 4.

The motion prevailed by viva voce vote.

House Bill No. 52.

Senator Greer called from the table H. B. No. 52.

H. B. No. 52, A bill to be entitled "An Act providing that the governing body of any city or town in this State, in making up the annual appropriation for the income and revenue of any waterworks system, electric light plant or system, sewer system, or other public utility system, service or enterprise, now or hereafter owned and operated by any such city or town, shall first provide for maintenance and operating expenses of such system, service or enterprise, shall then provide for payment of principal and interest of any indebtedness outstanding against such system, service or enterprise, and may then make such appropriations as remaining income and revenue of such system, service or enterprise, may justify, to be appropriated among respective departments of the municipal government, or otherwise appropriated for public uses, as such governing body may deem best; etc., and declaring an emergency."

Senator Greer sent up the following amendments:

Amend H. B. No. 52, Section 1, by inserting in line 10, page 2, following the phrase "any city or town in this State" the following:

"Having a population of nine thousand (9,000) inhabitants or less according to the last preceding Federal census and owning and operat-

ing its municipal light system and municipal waterworks system," and amend the caption to conform to this amendment.

GREER.

The amendment was adopted.

Amendment No. 2.

Amend H. B. No. 52, Section 3, by inserting in line 3, page 3, following the phrase "any city or town" the following:

"Having a population of nine thousand (9,000) inhabitants or less according to the last preceding Federal census and owning and operating its municipal light system and municipal waterworks system" and amend the caption to conform to this amendment.

GREER.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill as amended was read second time and passed to third reading by viva voce vote.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 52 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Cousins.
Blackert.	Duggan.
Collie.	Greer.

Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Redditt.
Neal.	Regan.
Pace.	Sanderford.
Parr.	Stone.
Patton.	Woodward.

Nays—4.

DeBerry.	Oneal.
Murphy.	Woodruff.

Present—Not Voting.

Holbrook.	Woodul.
Small.	

Absent—Excused.

Fellbaum.

Reason for Vote.

I vote yea on final passage because I understand it is substantially a local bill for Kaufman, Texas.

PACE.

House Bill No. 21.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 21, A bill to be entitled "An Act amending Sections 1, 4, 6, and 8, of Chapter 162, House Bill No. 154, Acts of Regular Session of the Forty-third Legislature, and Section 2, with the exception of Subdivision 1, thereof, and Sections 3, 5, and 9, of Chapter 162, House Bill No. 154, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, defining certain words and terms; providing for credit for taxes paid by mistakes; providing that tax levied shall be a liability on producer, first purchaser and subsequent purchasers; etc., and declaring an emergency."

Read and laid on the table subject to call.

House Bill No. 55.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 55, A bill to be entitled "An Act empowering counties through their commissioners' courts to provide for annual exhibits of horticultural and agricultural products, livestock and minerals and

other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements; etc., and declaring an emergency."

Point of Order.

Senator Holbrook raised the point of order that the bill had not been printed.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Regan moved to suspend the rule requiring printed copies of bills to lie on desks for twenty-four hours.

The motion prevailed by viva voce vote.

Motion to Indefinitely Postpone.

Senator Holbrook moved to indefinitely postpone H. B. No. 55.

Senator Rawlings objected.

Senator Holbrook withdrew his motion to postpone.

Senator Purl sent up the following amendment:

Amend H. B. No. 55 by adding a new section to read as follows:

"Nothing herein contained shall be construed as repealing or modifying any of the provisions of Chapter 163, General Laws, Regular Session, Forty-second Legislature (known as House Bill 312) nor as taking the provision of this Act out of limitations of said Chapter 163."

PURL.
COLLIE.

Read and adopted.

Senator Purl asked unanimous consent to

Amend the caption of H. B. No. 55 to conform to the body of the bill.

Adopted.

PURL.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill as amended was read second time and passed to third reading by viva voce vote.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 55 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote.

Yeas—28.

Beck.	Oneal.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nay—1.

Pace.

Absent—Excused.

Fellbaum.

Recess.

On motion of Senator Collie, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 77.

The Chair laid before the Senate House Bill No. 77.

H. B. No. 77, A bill to be entitled "An Act authorizing county commis-

sioners' courts to purchase materials for the purpose of aiding and cooperating with the agencies of the State and Federal Governments in the construction of buildings for the purpose of housing canneries and canning factories where appropriations have been or may hereafter be made out of the Federal and State funds set aside for the relief of the unemployed and needy people in the State of Texas, and to pay for such materials out of the county's permanent improvement fund, and declaring an emergency."

Senator Purl sent up the following amendment:

Amend H. B. No. 77 by adding a new section to read as follows:

"Nothing herein contained shall be construed as repealing or modifying any of the provisions of Chapter 163, General Laws, Regular Session, Forty-second Legislature (known as House Bill 312) nor as taking the provision of this Act out of limitations of said Chapter 163."

COLLIE,
PURL.

The amendment was adopted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The rule requiring bills to be read on three several days was suspended and H. B. No. 77 was put on its second reading by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

The bill as amended was read second time and passed to third reading by viva voce vote.

On motion of Senator Blackert, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 77 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Senate Bill No. 5.

Senator Sanderford asked unanimous consent to take up Senate Bill No. 5.

S. B. No. 5, A bill to be entitled "An Act for the purpose of releasing the interest and penalties from all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State any county, city, common school district, independent school district, road district, levee improvement district,

water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State provided same are paid on or before February 1, 1935; providing that nothing in Section 1 of this Act shall be construed as postponing, limiting, or extending the time for the payment of delinquent taxes covered by this Act nor prohibiting, postponing, or delaying the filing or prosecution of any suits for the enforced collections of the same, provided that all interests and penalties shall be released as provided in Section 1 hereof; providing that any one desiring to pay at one time all delinquent taxes on the same property for any one year or for any number of years, may so pay without paying all delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act insofar as same are in conflict with the provisions hereof; providing that if any section, clause, sentence, paragraph, or part of this Act be adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, invalidate the remainder of this Act; and declaring an emergency."

Senator Holbrook objected.

Senator Sanderford moved to suspend the regular order of business and take up Senate Bill No. 5.

There was objection.

Senate Bill No. 17.

Senator Poage called up S. B. No. 17.

The Chair held that under the 48-hour rule the bill could not be taken up.

House Bill No. 21.

Senator Regan called from the table H. B. No. 21, which had been read the second time and laid on the table subject to call.

H. B. No. 21, A bill to be entitled "An Act amending subsections 2 and 4 of Section 1, repealing subsection 3 of Section 2, amending subsection 2 of Section 2, amending Section 3, amending Section 4, and amending Sections 8 and 9, of H. B. No. 154, Chapter 162, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12, H.

B. No. 55, Acts of the First Called Session of the Forty-third Legislature; providing a saving clause, and declaring an emergency."

Points of Order.

Senator Pace raised the point of order that the bill did not come within the Governor's call.

Senator Rawlings raised the point of order that the Pace point of order was out of order as it came too late.

The Chair overruled the Rawlings point of order.

Senator Pace withdrew his point of order.

On motion of Senator Regan, H. B. No. 21 was laid on the table subject to call.

S. C. R. No. 9.

Senator Rawlings sent up the following resolution:

Whereas, H. B. No. 7 has passed both houses of the Legislature at this, the Fourth Called Session of the Forty-third Legislature, but failed to receive sufficient votes in the Senate to put same into immediate effect; and,

Whereas, By the terms of said Act all penalties and interest are released on taxes delinquent on or before August 1, 1934, if paid on or before March 15, 1935, and as stated in said H. B. No. 7; and,

Whereas, The people of Texas who owe delinquent taxes are entitled to the immediate benefit of said Act releasing interest and penalties thereon; and,

Whereas, There are pending at this time many applications for loans with the Home Owners' Loan Corporation and other loan institutions, and such loans cannot be closed unless and until said interest and penalties on said delinquent taxes are released; and,

Whereas, Section 39 of Article III of the Constitution of the State of Texas provides that laws passed by the Legislature shall take effect and go into force ninety days after the adjournment of the Session at which they are enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall by a vote of two-thirds of all the members elected to each house, otherwise direct; and,

Whereas, The emergency is a part of, and expressed in the body of said H. B. No. 7; now,

Therefore the Legislature, by an affirmative vote of two-thirds of all the members elected to each house, hereby directs that said H. B. No. 7 be in full force and effect from and after the passage of this resolution; the votes thereon to be taken by yeas and nays and entered upon the Journals of the respective houses; the purpose of this resolution being to put said H. B. No. 7 into immediate effect without waiting for the expiration of the ninety-day period immediately following the adjournment of the Fourth Called Session of the Forty-third Legislature; be it further

Resolved by the Legislature of Texas that all Tax Collectors of the State, any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State be, and they are hereby directed to follow the directions hereof and accept payment from all persons of all delinquent ad valorem and poll taxes that were delinquent on August 1, 1934, without paying any of the penalties or interest which were released by the terms of said H. B. No. 7, just as provided in said H. B. No. 7, when and after said H. B. No. 7 and this resolution are signed by the Governor and filed in the office of the Secretary of State; and such Tax Collectors shall give proper receipts therefor; and, be it further

Resolved that when said H. B. No. 7 and this resolution are finally passed, this resolution shall be printed by the Secretary of State, following the printing of said H. B. No. 7, and as a part thereof; and be it further

Resolved that in case any clause, sentence or part of this resolution shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution, but such invalidity shall be confined in its operation to the clause, sentence or part thereof directly declared invalid; and be it further

Resolved that said H. B. No. 7 is an emergency measure, and such

emergency is hereby declared for the reasons herein and in said H. B. No. 7 stated; and on account of such emergency an imperative public necessity demands that the constitutional rule which requires all bills to be read on three several days in each house be suspended; and said rule is hereby suspended, and said H. B. No. 7 and this resolution shall be in force and take effect from and after the passage hereof; and it is so enacted.

RAWLINGS.

S. C. R. No. 9 was read and Senator Rawlings withdrew S. C. R. No. 9 to pass S. B. No. 5.

Senate Bill No. 5.

Senator Stone asked unanimous consent to take up S. B. No. 5. Unanimous consent was granted.

S. B. No. 5, A bill to be entitled "An Act for the purpose of releasing the interest and penalties from all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, and county, city, common school district, independent school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State provided same are paid on or before February 1, 1935; providing that nothing in Section One of this Act shall be construed as postponing, limiting, or extending the time for the payment of delinquent taxes covered by this Act nor prohibiting, postponing, or delaying the filing or prosecution of any suits for the enforced collections of the same, provided that all interests and penalties shall be released as provided in Section One hereof; providing that any one desiring to pay at one time all delinquent taxes on the same property for any one year or for any number of years, may so pay without paying all delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act insofar as same are in conflict with the provisions hereof; providing that if any section, clause, sentence, paragraph, or part of this Act be adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall

not affect, impair, invalidate the remainder of this Act; and declaring an emergency."

S. B. No. 5 was read.

At Ease.

On motion of Senator Poage the Senate stood at ease ten minutes.

Senate Bill No. 5.

Senator Oneal sent up the following amendment:

Amend S. B. No. 5, by adding thereto the following section properly numbered:

"The Act known as H. B. No. 7 of the Fourth Called Session of the Forty-third Legislature is hereby repealed."

ONEAL,
RAWLINGS,
POAGE.

The amendment was adopted by viva voce vote.

Recorded Vote.

Senator Collie asked to be recorded as voting "No" on the adoption of Oneal amendment to S. B. No. 5.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill as amended was read second time and passed to engrossment by viva voce vote.

On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—27.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—2.

Beck. Blackert.

Absent—Excused.

Fellbaum.

Reason for Vote.

I vote for this bill because, over my protest and vote, H. B. No. 7 was heretofore passed by the Senate. I believe H. B. No. 7 is a bad bill and this bill is a better bill. I would not have voted for S. B. No. 5 if it had not repealed H. B. No. 7.

PACE,
GREER.

I vote "yea" for S. B. No. 5, not because I believe in the principle of this bill but for the reason that I believe it is a better bill than H. B. No. 7, which has passed both houses and has gone to the Governor's desk for consideration and approval; and for the further reason that S. B. No. 5 repeals H. B. No. 7.

HOLBROOK.

Senate Resolution No. 18.

Senator Collie sent up the following resolution:

The Senate this afternoon is pleased and honored in having as a guest in the Capitol a former distinguished member of this body in the person of Honorable W. P. Sebastain.

Senator Sebastain served here from 1898 to 1904, representing the old 28th district and his service was characteristic of his fine qualities, capabilities and patriotic motives.

We, therefore, desire that he should be privileged to associate him-

self with the members and employees on the floor and he is extended a most cordial welcome.

COLLIE.

Read and unanimously adopted.

Conference Report on S. B. No. 2.

Senator Hornsby sent up the conference report on S. B. No. 2.

Committee Room,

Austin, Texas, Nov. 8, 1934.

Hon. Edgar E. Witt, President of the Senate, and

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 2, beg leave to submit the following report:

We have had S. B. No. 2 under consideration, and recommend the adoption of the attached bill:

HORNSBY,
WOODWARD,
SMALL,

On the part of the Senate.

ENGELHARD,
JONES of Runnels,
GRAVES,

On the part of the House.

By Hornsby, Hopkins, S. B. No. 2.

Witt, Woodward,
Parr, Sanderford,
Beck, Moore, Pat-
ton, Stone, Duggan,
Woodruff, Poage,
Woodul, Martin and
Holbrook.

A BILL

To Be Entitled

An Act creating a conservation and reclamation district to be known as Lower Colorado River Authority, pursuant to and for the purposes set forth in Section 59 of Article 16 of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate, without power to mortgage or encumber any of its property or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State; fixing the boundaries thereof; conferring thereon all powers, rights, privileges and functions conferred

by general law upon districts created pursuant to said Section 59, as expressly limited; conferring certain other powers thereon including the power to control, store, preserve, use, distribute and sell the waters of the Colorado River and its tributaries, to develop, generate, distribute and sell water power and electric energy, to acquire property by condemnation or otherwise, to construct, maintain, use and operate facilities, to make contracts, to borrow money, to create and issue its negotiable bonds for cash, property or refunding purposes on stated terms and conditions, and in connection therewith to pledge all or any part of its revenues; vesting the powers of the District in a board of directors and prescribing the manner of their appointment and their duties; providing for the appointment of officers, agents and employees; providing for the fiscal management of the District; preserving existing water rights, to the extent provided; prescribing all necessary details; making an appropriation of Five Thousand Dollars (\$5,000) to the District; providing that if any provisions of this Act shall be held to be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, a conservation and reclamation district to be known as "Lower Colorado River Authority" (hereinafter called the District) and consisting of that part of the State of Texas which is included within the boundaries of the counties of Blanco, Burnet, Llano, Travis, Bastrop, Fayette, Colorado, Wharton, San Saba and Matagorda. Such District shall be and is hereby declared to be a governmental agency and body politic and corporate, with the powers of government and with the authority to exercise the rights, privileges and functions hereinafter specified, and the creation of such District is hereby determined to be essential to the accomplishment of the purposes of Section 59 of Article 16 of the Constitution of the State of Texas, in-

cluding (to the extent hereinafter authorized) the control, storing, preservation and distribution of the waters of the Colorado River and its tributaries for irrigation, power and other useful purposes, the reclamation and irrigation of arid, semi-arid and other lands needing irrigation, and the conservation and development of the forests, water and hydro-electric power of the State of Texas. Nothing in this Act or in any other act or law contained, however, shall be construed as authorizing the District to levy or collect taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or in any way to pledge the credit of the State.

Sec. 2. Except as expressly limited by this Act, the District shall have and is hereby authorized to exercise all powers, rights, privileges and functions conferred by general law upon any district or districts created pursuant to Section 59 of Article 16 of the Constitution of the State of Texas. Without limitation of the generality of the foregoing, the District shall have and is hereby authorized to exercise the following powers, rights, privileges and functions:

(a) to control, store and preserve, within the boundaries of the District, the waters of the Colorado River and its tributaries for any useful purpose, and to use, distribute and sell the same, within the boundaries of the District, for any such purpose:

(b) to develop and generate water power and electric energy within the boundaries of the District and to distribute and sell water power and electric energy, within or without the boundaries of the District;

(c) to prevent or aid in the prevention of damage to person or property from the waters of the Colorado River and its tributaries;

(d) to forest and reforest and to aid in the foresting and reforesting of the watershed area of the Colorado River and its tributaries and to prevent and to aid in the prevention of soil erosion and floods within said watershed area;

(e) to acquire by purchase, lease, gift or in any other manner (otherwise than by condemnation) and to maintain, use and operate any and all property of any kind, real, personal or mixed, or any interest therein, within or without the boundaries of the District, necessary or con-

venient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act;

(f) to acquire by condemnation any and all property of any kind, real, personal or mixed, or any interest therein, within or without the boundaries of the District (other than such property or any interest therein without the boundaries of the District as may at the time be owned by any body politic) necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation or, at the option of the District, in the manner provided by the statutes relative to condemnation by districts organized under general law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas;

(g) subject to the provisions of this Act from time to time sell or otherwise dispose of any property of any kind, real, personal or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

(h) to overflow and inundate any public lands and public property and to require the relocation of roads and highways in the manner and to the extent permitted to districts organized under general law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas;

(i) to construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed, and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges and functions;

(j) to sue and be sued in its corporate name;

(k) to adopt, use and alter a corporate seal;

(l) to make by-laws for the management and regulation of its affairs;

(m) to appoint officers, agents and employees, to prescribe their duties and to fix their compensation;

(n) to make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act;

(o) to borrow money for its corporate purposes and, without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and, in connection with any such loan or grant, to enter into such agreements as the United States of America or such corporation or agency may require; and to make and issue its negotiable bonds for moneys borrowed, in the manner and to the extent provided in Section 10. Nothing in this Act shall authorize the issuance of any bonds, notes or other evidences of indebtedness of the District, except as specifically provided in this Act, and no issuance of bonds, notes or other evidences of indebtedness of the District, except as specifically provided in this Act, shall ever be authorized except by an act of the Legislature;

(p) to do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges or functions conferred upon it by this Act or any other act or law;

Provided, however, that said District shall not be permitted to use for irrigation purposes any water under any law or permits heretofore issued or now held, owned or enjoyed by said District or which may be hereafter acquired from the Colorado River Corporation or any other company or person whomsoever unless expressly authorized by subsequent permits granted to the District by the Board of Water Engineers under authority of law; and said Board of Water Engineers in considering subsequent applications by said District shall at all times consider the needs of the people living within and on the lands lying within the watershed of the Colorado River and its tributaries above the district; provided, however, that nothing herein shall prevent the District from selling, for irrigation purposes within the boundaries of the District, any water impounded by it under authority of law.

Provided further, that in creating and conferring the benefits of this Act on said District, it is declared as an essential part thereof that irrespective of any existing right or rights or permit or permits issued by

the Board of Water Engineers of the State of Texas to use the waters of the Colorado River and its tributaries for the generation of hydro-electric power, and which rights or permits may be acquired by the District, the impounding and use of the flood waters of the Colorado River and/or its tributaries for the generation of hydro-electric power by the District and/or anyone who may succeed to the rights and privileges conferred upon it by this Act, shall be subject to the rights of any other person, municipal corporation or body politic heretofore impounding or now putting to beneficial use any such waters for the purposes, set forth in subdivisions (1), (2) and (3) of Article 7471 of the Revised Civil Statutes of the State of Texas as amended by Chapter 128 of the Acts of the 42nd Legislature of the State of Texas, when such other person, municipal corporation or body politic has heretofore received a permit for such use or uses from the Board of Water Engineers of the State of Texas, or who by law has heretofore been permitted to impound water for the aforesaid purposes, and nothing in this Act shall ever be construed as to require any such municipal corporation or body politic to surrender any such rights to which it may now be entitled to the District and shall not be construed so as to subject to condemnation by said district or any successor or by anyone who may succeed to the rights and privileges conferred upon it by this Act any waters heretofore impounded or to be impounded within or without the District under any law authorizing water to be impounded or under any permits heretofore granted or hereafter granted to a municipal corporation or body politic or any waters heretofore impounded or permitted to be impounded or used without the District under permits heretofore or hereafter granted to any person.

Nothing in this Act shall be construed as depriving any person or municipality of the right to impound the waters of the Colorado River and/or its tributaries for domestic and/or municipal purposes, nor of repealing any law granting such rights to persons and municipalities.

Sec. 2a. It is now declared to be the public policy of this State that

any and all rights of the district hereby created to impound and/or use and/or sell the waters of the Colorado River and its tributaries for the generation of hydro-electric power, shall be subordinate and inferior to the rights of cities and towns situated within the watershed of the Colorado River and its tributaries to build dams and impound flood waters for municipal purposes: and likewise the rights of the said district hereby created, to impound and/or use and/or sell said waters for the generation of hydro-electric power, shall be subordinate and inferior to the rights of any citizens of Texas, or bodies politic, to build dams and impound the flood waters within the watershed of the Colorado River and its tributaries for domestic purposes and for the purposes of irrigation, and the title to any and all rights, properties, licenses, franchises, and/or permits acquired, or to be acquired, by the Lower Colorado River Authority, shall be and become subject to the limitations imposed by this section.

Sec. 3. The powers, rights, privileges and functions of the District shall be exercised by a board of nine directors (herein called the board), all of whom shall be residents of and freehold property taxpayers in the State of Texas; provided that not more than two of such directors shall be residents of the same county. Three of the directors shall be appointed by the Governor, three by the Attorney General and three by the Commissioner of the General Land Office of the State of Texas. Provided that no person shall be eligible for such appointment if he has, during the preceding three years before his appointment been employed by an electric power and light company, gas company, telephone company, or any other utility company of any kind or character whatsoever. Of the three directors first appointed by each authority, one shall be appointed for a term expiring January 1, 1937, one for a term expiring January 1, 1939, and one for a term expiring January 1, 1941. At the expiration of the term of any director, another director shall be appointed by the same authority which appointed the director whose term has expired. Each Director shall hold office until the expiration of the

term for which he was appointed and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the authority which appointed him for inefficiency, neglect of duty or misconduct in office, after at least ten days' written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or removal of any director shall be filled by the authority which appointed him, for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by general statute.

Each director shall receive a fee of Ten Dollars (\$10.00) per day for each day spent in attending meetings of the Board.

Until the adoption of By-laws fixing the time and place of regular meetings and the manner in which special meetings may be called, meetings of the Board shall be held at such times and places as five of the directors may designate in writing. Five directors shall constitute a quorum at any meeting and, except as otherwise provided in this Act or in the By-laws, all action may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contracts which involves an amount greater than Ten Thousand Dollars (\$10,000.00) or which is to run for a longer period than a year, and no bonds, notes or other evidence of indebtedness and no amendment of the By-laws shall be valid unless authorized or ratified by the affirmative vote of at least five directors.

Sec. 4. The Board shall select a Secretary who shall keep true and complete records of all proceedings of the Board. Until the appointment of a Secretary, or in the event of his absence or inability to act, a secretary pro tem shall be selected by the Board. The Board shall also select a General Manager, who shall be the chief executive officer of the District, and a Treasurer, who may also hold the office of Secretary. All such officers shall have such powers and duties, shall hold office for such term and be subject to removal in such manner as may be provided in

the By-laws. The Board shall fix the compensation of such officers. The Board may appoint such officers, agents and employees, fix their compensation and term of office and the method by which they may be removed, and delegate to them such of its power and duties as it may deem proper.

Sec. 5. The moneys of the District shall be disbursed only on checks, drafts, orders or other instruments signed by such persons as shall be authorized to sign the same by the By-laws or resolution concurred in by not less than five directors. The General Manager, the Treasurer and all other officers, agents and employees of the District who shall be charged with the collection, custody or payment of any funds of the District shall give bond conditioned on the faithful performance of their duties and an accounting for all funds and property of the District coming into their respective hands, each of which bonds shall be in form and amount and with a surety (which shall be a surety company authorized to do business in the State of Texas), approved by the Board, and the premiums on such bonds shall be paid by the District and charged as an operating expense.

Sec. 6. The domicile of the District shall be in the City of Austin, County of Travis, where the District shall maintain its principal office, in charge of its General Manager. The District shall cause to be kept complete and accurate accounts conforming to approved methods of book-keeping. Said accounts and all contracts, documents and records of the District shall be kept at said principal office. Said accounts and contracts shall be open to public inspection at all reasonable times. The Board shall cause to be made and completed within ninety days after the end of each calendar year, an audit of the books of account and financial records of the District for such calendar year, such audit to be made by an independent Certified Public Accountant or firm of Certified Public Accountants. Copies of a written report of such audit, certified to by said accountant or accountants, shall be placed and kept on file with the Board of Water Engineers, with the Treasurer of the State of Texas and at said principal office, and shall

be open to public inspection at all reasonable times.

Sec. 7. No director, officer, agent or employee of the District shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the District, and if any such person shall be or become so interested in any such contract, he shall be guilty of a felony and on conviction thereof shall be subject to a fine in an amount not exceeding Ten Thousand Dollars (\$10,000) or to confinement in the county jail for not less than one year nor more than ten years, or both.

Sec. 8. The Board shall establish and collect rates and other charges for the sale or use of water, water connections, power, electric energy or other services sold, furnished, or supplied by the District which fees and charges shall be reasonable and non-discriminatory and sufficient to produce revenues adequate;

(a) to pay all expenses necessary to the operation and maintenance of the properties and facilities of the District;

(b) to pay the interest on and principal of all bonds issued under this Act when and as the same shall become due and payable;

(c) to pay all sinking fund and/or reserve fund payments agreed to be made in respect of any such bonds, and payable out of such revenues, when and as the same shall become due and payable; and

(d) to fulfill the terms of any agreements made with the holders of such bonds and/or with any person in their behalf.

Out of the revenues which may be received in excess of those required for the purposes specified in subparagraphs (a), (b), (c) and (d) above, the Board may in its discretion establish a reasonable depreciation and emergency fund, or retire (by purchase and cancellation or redemption) bonds issued under this Act, or apply the same to any corporate purpose.

It is the intention of this Act that the rates and charges of the District shall not be in excess of what may be necessary to fulfill the obligations imposed upon it by this Act.

Nothing herein shall be construed as depriving the State of Texas of its power to regulate and control fees

and/or charges to be collected for the use of water, water connections, power, electric energy, or other service, provided that the State of Texas does hereby pledge to and agree with the purchasers and successive holders of the bonds issued hereunder that the State will not limit or alter the power hereby vested in the District to establish and collect such fees and charges as will produce revenues sufficient to pay the items specified in subparagraphs (a), (b), (c) and (d) of this Section 8, or in any way to impair the rights or remedies of the holders of the bonds, or of any person in their behalf, until the bonds, together with the interest thereon, with interest on unpaid installments of interest and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders and all other obligations of the District in connection with such bonds are fully met and discharged.

Sec. 9. Any and every indebtedness, liability or obligation of the District, for the payment of money, however entered into or incurred, and whether arising from contract, implied contract or otherwise shall be payable solely (1) out of the revenues received by the District in respect of its properties, subject to any prior lien thereon conferred by any resolution or resolutions theretofore adopted as in this Act provided, authorizing the issuance of bonds or (2), if the Board shall so determine, out of the proceeds of sale by the District of bonds payable solely from such revenues.

Sec. 10. The District shall have power and is hereby authorized to issue, from time to time, bonds as herein authorized for any corporate purpose, not to exceed Ten Million Dollars (\$10,000,000.00) in aggregate principal amount. Any additional amount of bonds must be authorized by an act of the Legislature. Such bonds may either be (1) sold for cash, at public or private sale, at such price or prices as the Board shall determine, provided that the interest cost of the money received therefor, computed to maturity in accordance with standard bond tables in general use by banks and insurance companies, shall not exceed six per centum per annum, or (2) may be issued on such terms as the Board

shall determine in exchange for property of any kind, real, personal or mixed or any interest therein which the Board shall deem necessary or convenient for any such corporate purpose, or (3) may be issued in exchange for like principal amounts of other obligations of the District, matured or unmatured. The proceeds of sale of such bonds shall be deposited in such bank or banks or trust company or trust companies, and shall be paid out pursuant to such terms and conditions, as may be agreed upon between the District and the purchasers of such bonds. No part of the Four Million Five Hundred Thousand Dollars (\$4,500,000.00) which has been allotted by the Federal Emergency Administration of Public Works to the Colorado River Project which may be received by the District shall be applied to the purchase of any of the properties heretofore owned by Central Texas Hydro Electric Company except such amount as shall equal the sum actually expended by the sellers of such properties in discharging statutory contractors and materialmen's liens on such of said properties as shall be purchased by the District. No contract for the purchase and no purchase by the District of any of the properties heretofore owned by Central Texas Hydro Electric Company shall be valid unless the terms thereof shall be satisfactory to the Federal Emergency Administrator of Public Works. All such bonds shall be authorized by resolution or resolutions of the Board concurred in by at least five of the members thereof, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates (not exceeding six per centum (6%) per annum) payable annually or semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges as to principal only or as to both principal and interest, and as to exchange of coupon bonds for registered bonds or vice versa, and exchange of bonds of one denomination for bonds of other denominations, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any

bonds may contain provisions, which shall be part of the contract between the District and the holders thereof from time to time (a) reserving the right to redeem such bonds at such time or times, in such amounts and at such prices, not exceeding one hundred and five per centum of the principal amount thereof, plus accrued interest, as may be provided, (b) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof, (c) pledging to secure the payment of the principal of and interest on such bonds and of the sinking fund or reserve fund payments agreed to be made in respect of such bonds all or any part of the gross or net revenues thereafter received by the District in respect of the property, real, personal or mixed, to be acquired and/or constructed with such bonds or the proceeds thereof, or all or any part of the gross or net revenues thereafter received by the District from whatever source derived, (d) prescribing the purposes to which such bonds or any bonds thereafter to be issued, or the proceeds thereof, may be applied, (e) agreeing to fix and collect rates and charges sufficient to produce revenues adequate to pay the items specified in subdivisions (a), (b), (c) and (d) of Section 8 hereof, and prescribing the use and disposition of all revenues, (f) prescribing limitations upon the issuance of additional bonds and upon the agreements which may be made with the purchasers and successive holders thereof, (g) with regard to the construction, extension, improvement, reconstruction, operation, maintenance and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks, (h) fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given, (i) for the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, or to the United States of America or any of-

ficer or agency thereof, of indentures and agreements for the benefit of the holders of such bonds setting forth any or all of the agreements herein authorized to be made with or for the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and (j) such other provisions, not inconsistent with the provisions of the Act, as the Board may approve.

Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that

(a) default shall be made in the payment of the interest on any or all bonds when and as the same shall become due and payable, or

(b) default shall be made in the payment of the principal of any or all bonds when and as the same shall become due and payable, whether at the maturity thereof, by call for redemption or otherwise, or

(c) default shall be made in the performance of any agreement made with the purchasers or successive holders of any bonds,

And such default shall have continued such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect to the bonds authorized thereby, or, if there shall be no such indenture, a trustee appointed in the manner provided in such resolution or resolutions by the holders of twenty-five per centum in aggregate principal amount of the bonds authorized thereby and at the time outstanding may, and upon the written request of the holders of twenty-five per centum in aggregate principal amount of the bonds authorized by such resolution or resolutions at the time outstanding, shall, in his or its own name, but for the equal and proportionate benefit of the holders of all of such bonds; and with or without having possession thereof;

(1) by mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the holders of such bonds,

(2) bring suit upon such bonds and/or the appurtenant coupons,

(3) by action or suit in equity, require the district to account as if it were the trustee of an express trust for the bondholders,

(4) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds, and/or,

(5) after such notice to the District as such resolution may provide, declare the principal of all of such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per centum in aggregate principal amount of such bonds at the time outstanding, annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture or agreement may provide that in any such suit, action or proceeding, any such trustee, whether or not all of such bonds shall have been declared due and payable, and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same, and fix, collect and receive rates and charges sufficient to provide revenues adequate to pay the items set forth in sub-paragraphs (a), (b), (c), and (d) of Section 8 hereof and the costs and disbursements of such suit, action or proceeding, and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action or proceeding by any such trustee, the reasonable fees, counsel fees and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements and all costs and disbursements and all costs and disbursements allowed by the court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the courts of the County of Travis shall have jurisdiction of any such suit, action or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addi-

tion to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. No bonds shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings so approved shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

Sec. 11. All bonds issued by the District pursuant to the provisions of this Act shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 12. The District may, but without intending by this provision to limit any powers of the District as granted to it by this Act, enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or projects as the District may deem desirable or as may be requested by the United States of America, or any corporation or agency created, designated or established thereby, which may assist in the financing of any such project or projects.

Sec. 13. The District shall have power out of any funds available

therefor to purchase any bonds issued by it at a price not exceeding the redemption price applicable at the time of such purchase, or if such bonds shall not be redeemable, at a price not exceeding the principal amount thereof plus accrued interest. All bonds so purchased shall be canceled and no bonds shall ever be issued in lieu thereof.

Sec. 14. Nothing in this Act shall be construed as authorizing the District and it shall not be authorized to mortgage or otherwise encumber any of its property of any kind, real, personal or mixed, or any interest therein, or to acquire any such property or interest subject to a mortgage or conditional sale, provided that this section shall not be construed as preventing the pledging of the revenues of the District as herein authorized. Nothing in this Act shall be construed as authorizing the sale, lease or other disposition of any such property or interest of the District by the District; or any receiver of any of its properties or through any court proceeding or otherwise, provided, however, that the District may sell for cash any such property or interest in an aggregate value not exceeding the sum of Fifty Thousand Dollars (\$50,000.00) in any one year if the Board, by the affirmative vote of six of the members thereof shall have determined that the same is not necessary or convenient to the business of the District and shall have approved the terms of any such sale, it being the intention of this Act that except by sale as in this section expressly authorized, no such property or interest shall ever come into the ownership or control, directly or indirectly, of any person, firm or corporation other than a public authority created under the laws of the State of Texas. All property of the District shall be at all times exempted from forced sale, and nothing in this Act contained shall authorize the sale of any of the property of the District under any judgment rendered in any suit, and such sales are hereby prohibited and forbidden.

Sec. 15. The district shall not prevent free public use of its lands for recreation purposes and for hunting and fishing except at such points where, in the opinion of the Directors, such use would interfere

with the proper conduct of the business.

All public rights of way now traversing the areas to be flooded by the impounded waters shall remain open as a way of free public passage to and from the lakes created, and no charge shall ever be made to the public for the right to engage in hunting, fishing, boating, or swimming thereon.

The District shall, within one year, acquire by purchase or otherwise, two (2) strips of land, each to be at least one-fourth ($\frac{1}{4}$) mile in length along the shore line, sufficiently wide and so located that a shore road may be built thereon, which shall be connected with a public highway. Said strips shall be on different sides of said Buchanan Dam, one near the Dam and the other near the headwaters. After acquiring said strips the Colorado River Authority shall assign the same to the State of Texas for park purposes, and the same shall be under the supervision and control of the State Parks Board, who shall keep said strips of land open to the public, without charge, so that the public in general may have access to the reservoir.

Upon it being called to the attention of the Attorney General of Texas by any citizen of Texas, that this Section has not been complied with, it shall be the duty of the Attorney General of Texas to institute the proper legal proceedings to require said District, or their successors, to comply with the provisions of this section.

Provided, that if any of the land owned by the District bordering the lakes to be created under the authority of this act be sold by the District, the District shall retain in each tract a strip twenty (20) feet wide abutting the high water line of the lake for the purpose of passage and use by the public for public sports and amusements, provided, further however, that this provision shall not apply to any sales of land by the District to any state or federal agency to be used for game or fish sanctuaries, preserves, or for propagation purposes.

Sec. 16. All bonds and the interest thereon issued pursuant to the provisions of this Act shall be exempt from taxation (except inheritance taxes) by the State of Texas or

by any municipal corporation, county or other political subdivision or taxing district of the State.

Sec. 17. This Act without reference to other statutes of the State of Texas, shall constitute full authority for the authorization and issuance of bonds hereunder and no other act or law with regard to the authorization or issuance of obligations or the deposit of the proceeds thereof, or in any way impeding or restricting the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

Sec. 18. This Act and all of the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

Sec. 19. There is hereby appropriated for the use of the District out of any funds in the State Treasury not heretofore otherwise appropriated the sum of Five Thousand Dollars (\$5,000.00) which may be withdrawn from time to time on warrant signed by the General Manager and Treasurer of the District, amounts withdrawn to be repaid into the State Treasury out of the first revenues of the District from whatever source derived.

Sec. 20. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 21. This act may be cited as the lower Colorado River Authority Act.

Sec. 22. The importance of this legislation to the section of the State affected thereby and the fact that the District must act promptly if it is to avail itself of the opportunity of borrowing or receiving a grant from the Federal Emergency Administration of Public Works creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Hopkins moved the adoption of the conference report on S. B. No. 2.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

Collie.

Absent.

Redditt.

Absent—Excused.

Fellbaum.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Nov. 9, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on H. B. No. 6 by a vote of 109 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 9, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 77, A bill to be entitled "An Act authorizing county commissioners courts to purchase materials for the purpose of aiding and co-operating with the agencies of the State and Federal Governments in the construction of buildings for the purpose of housing canneries and canning factories where appropriations have been or may hereafter be made out of the Federal and State funds set aside for the relief of the unemployed and needy people in the

State of Texas; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 9, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. C. R. No. 7 and requests the Senate for the appointment of a free conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Kayton, James, Rogers of Ochiltree, Hunt, Fain.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 9, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 15 by a vote of 114 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 55 by a vote of 120 yeas, 3 nays.

The House has concurred in Senate amendments to H. B. No. 70 by a vote of 124 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 77 by a vote of 119 yeas, 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 21.

Recurring business was H. B. No. 21.

Point of Order.

Senator Pace renewed the point of order that H. B. No. 21 did not come within the Governor's call.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Murphy sent up the following amendments:

Amend Committee Amendment No. 1 by inserting after the word "to" on line 33 of page 5 the following:

"but such transfer of appropriation shall not in any way affect the existing appropriations now provided for employees of the State Tax Board herein excepted."

MURPHY.

Read and adopted.

Amend Committee Amendment No. 1 by inserting after the word "Attorney" on line 25 of page 5 the word "Stenographer."

MURPHY.

The amendment was read and adopted.

Senator Pace sent up the following amendment:

Amend H. B. No. 21, on page 3, line 44, by adding after the word "treasury" the following new sentence:

"However, no deductions shall be authorized or allowed when the oil has been or is being produced from properties the lessees and/or operators, including their predecessors or successors in title thereto, of which have received or are receiving a beneficial interest as a result of Senate Bill No. 203, passed by the Regular Session of the Forty-third Legislature and designated as Chapter 120 of the Acts of the Regular Session of the Forty-third Legislature."

PACE.

Read.

Senator Pace withdrew his amendment temporarily.

Senator Oneal sent up the following amendment:

Amend H. B. No. 21 by striking out Subdivision (4) of Section 4 of the bill.

ONEAL.

Read.

Motion to Table.

Senator Regan moved to table the amendment by Senator Oneal.

The motion to table prevailed by the following vote:

Yeas—17.

Blackert.	Rawlings.
Collie.	Redditt.
Duggan.	Regan.
Greer.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Parr.	Woodul.
Patton.	

Nays—10.

Beck.	Oneal.
DeBerry.	Pace.
Holbrook.	Poage.
Moore.	Purl.
Neal.	Woodward.

Absent.

Cousins. Hopkins.

Absent—Excused.

Fellbaum.

Senator Pace re-offered his proposed amendment, and it was read the second time.

Motion to Table.

Senator Regan moved to table the amendment.

The motion to table prevailed by a tie vote:

Yeas—14.

Cousins.	Patton.
Duggan.	Rawlings.
Greer.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Parr.	Woodul.

Nays—14.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
DeBerry.	Purl.
Holbrook.	Redditt.
Moore.	Woodruff.
Neal.	Woodward.

Absent.

Hopkins.

Absent—Excused.

Fellbaum.

The Chair, Lieutenant Governor Edgar E. Witt, voting "yea" to break the tie.

Senator Purl sent up the following amendment:

Amend H. B. No. 21 by adding a new section to read as follows:

"Provided, however, the provision of this bill shall not apply to pending litigation and shall release no taxes now held in suspense."

PURL.

Read and adopted.

Senator Regan asked unanimous consent that the caption be amended to conform to the body of the bill.

Unanimous consent was granted.

The committee report recommending that the bill be printed as adopted by unanimous consent.

The committee amendment as amended was adopted.

Senator Purl sent up the following amendment:

Amend H. B. No. 21 by adding the following and renumber the section to conform to the bill:

House Bill No. 37, being the Centennial Tax Bill.

Senator Oneal sent up the following amendment:

Amend the Purl amendment by striking out Section "F" thereof, beginning on page 8 and ending on page 10 of the printed amendment.

ONEAL.

Motion to Table.

Senator Regan moved to table both the Purl and Oneal amendments.

Division Called For.

Senator Purl called for a division of the motion to table.

The Chair stated that the question was the adoption of the Oneal amendment.

Pending.

H. C. R. No. 5.

Senator Moore called up from the table H. C. R. No. 5, relative to sine die adjournment.

Senator Moore asked unanimous consent to lay on the table subject to call H. C. R. No. 5.

Sine Die Resolution.

Senator Moore called from the table H. C. R. No. 5.

Senator Poage sent up the following amendment:

Amend H. C. R. No. 5 by striking out the figure "12:00 noon," and insert in lieu thereof the figure "12:10 p. m."

POAGE.

Point of Order.

Senator Woodul raised a point of order that adjournment resolutions were not debatable.

The Chair overruled the point of order, stating that the rule was not applicable to sine die resolutions.

Senator Poage withdrew his amendment.

Motion to Recess.

Senator Redditt, at 5:20 o'clock, p. m., moved to recess until 10:00 o'clock tomorrow.

The motion lost by the following vote:

Yeas—11.

Beck.	Moore.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Redditt.
Holbrook.	

Nays—15.

Greer.	Regan.
Hornsby.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.
Rawlings.	

Absent.

Duggan.	Martin.
Hopkins.	

Absent—Excused.

Fellbaum.

H. C. R. No. 5.

Senator Purl asked unanimous consent to lay on the table subject to call.

Senator Moore objected.

Motion to Lay on Table.

Senator Purl moved to lay H. C. R. No. 5 on the table subject to call.

Point of Order.

Senator Purl raised the point of order that Senator DeBerry was discussing a bill which was not before the Senate.

The Chair overruled the point of order as not applicable to sine die resolutions.

The motion to lay on table subject to call lost by the following vote:

Yeas—13.

Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Sanderford.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Nays—15.

Beck.	Parr.
Blackert.	Patton.
Collie.	Rawlings.
Cousins.	Redditt.
DeBerry.	Regan.
Duggan.	Small.
Moore.	Woodward.
Pace.	

Absent.

Hopkins.

Absent—Excused.

Fellbaum.

Previous Question Ordered.

Senator Woodward moved the previous question on H. C. R. No. 5. The motion was seconded.

The previous question was ordered by viva voce vote.

Motion to Reconsider.

Senator Hornsby moved to reconsider the vote by which the previous question was ordered.

Point of Order.

Senator DeBerry raised the point of order that when operating under the previous question, no other business could be transacted until the original business was disposed of.

The motion to reconsider lost by the following vote:

Yeas—12.

Greer.	Pace.
Holbrook.	Poage.
Hornsby.	Parr.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.

Nays—13.

Beck.	Rawlings.
Blackert.	Redditt.
Collie.	Regan.
Cousins.	Sanderford.
Martin.	Small.
Parr.	Woodward.
Patton.	

Present—Not Voting.

DeBerry. Neal.

Absent.

Duggan. Hopkins.

Absent—Excused.

Fellbaum.

H. C. R. No. 5.

Senator Purl asked unanimous consent to discuss H. C. R. No. 5. There was objection.

H. C. R. No. 5 was adopted by the following vote:

Yeas—16.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Holbrook.	Small.
Moore.	Woodward.

Nays—13.

Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Sanderford.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Fellbaum.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which H. C. R. No. 5 was adopted.

Motion to Table.

Senators Holbrook and Pace moved to table.

The motion to table lost by the following vote:

Yeas—13.

Beck.	Moore.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Redditt.
Duggan.	Small.
Holbrook.	

Nays—16.

Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Regan.
Martin.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Poage.	Woodward.

Absent—Excused.

Fellbaum.

Motion to Recess.

Senator Collie, at 6:15 p. m., moved to recess until 9:00 o'clock a. m. Saturday.

The motion lost by the following vote:

Yeas—14.

Beck.	Moore.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Redditt.
Duggan.	Small.
Holbrook.	Woodward.

Nays—14.

Greer.	Purl.
Hornsby.	Rawlings.
Martin.	Regan.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Poage.	Woodul.

Absent.

Hopkins.

Absent—Excused.

Fellbaum.

Senator Moore, at 6:17 p. m., moved to recess until 9:30 o'clock a. m. Saturday.

The motion lost by the following vote:

Yeas—14.

Beck.	Moore.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Redditt.
Duggan.	Small.
Holbrook.	Woodward.

Nays—15.

Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Regan.
Martin.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Poage.	

Absent—Excused.

Fellbaum.

Senator Moore, at 6:20 p. m., moved to recess until 10:00 o'clock a. m. Saturday.

The motion lost by the following vote:

Yeas—13.

Beck.	Moore.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Redditt.
Duggan.	Woodward.
Holbrook.	

Nays—16.

Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Regan.
Martin.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Poage.	Woodul.

Absent—Excused.

Fellbaum.

Senator Greer, at 6:21 p. m., moved to recess until 8:30 o'clock tonight.

The motion lost by the following vote:

Yeas—12.

Greer.	Oneal.
Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Regan.
Murphy.	Sanderford.
Neal.	Stone.

Nays—16.

Beck.	Parr.
Blackert.	Patton.
Collie.	Rawlings.
DeBerry.	Redditt.
Duggan.	Small.
Holbrook.	Woodruff.
Moore.	Woodul.
Pace.	Woodward.

Present—Not Voting.

Cousins.

Absent—Excused.

Fellbaum.

Senator DeBerry, at 6:25 o'clock moved to recess until 9:45 a. m. Saturday.

Pending.

Request for Conference Committee.

Senator Redditt asked unanimous consent that the Senate grant the request of the House for a conference committee on H. C. R. No. 7.

Consent was granted.

The Chair, Lieutenant Governor Edgar E. Witt, appointed as conferees on H. C. R. No. 7 on the part of the Senate, Senators Pace, Cousins, Redditt, Patton and Beck.

Recess.

The motion to recess until 9:45 a. m. Saturday prevailed by the following vote:

Yeas—16.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Holbrook.	Small.
Moore.	Woodward.

Nays—13.

Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Sanderford.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Fellbaum.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,
Austin, Texas, Nov. 8, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 6 carefully read and examined and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Nov. 8, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21 carefully read and examined and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Nov. 8, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 19 carefully read and examined and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Nov. 9, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully read and examined and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Nov. 7, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 62, A bill to be entitled "An Act to amend Chapter 40 of the Acts of the First Called Session of the Forty-third Legislature, otherwise known as Article 3886b or Article 3886c, so as to provide for and authorize a more efficient, workable and economical plan and method for the conduct and operation of the office of the district or criminal district attorneys in counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants; and for the payment of the expenses of such offices, including the salaries payable to such district or criminal district attorneys and their employees and assistants; fixing the number and compensation of such assistants and employees; providing methods for their appointment; providing for the payment of the salaries of certain of such assistants and employees by said counties from the General Funds thereof; providing for the payment of the salaries of certain said assistants and employees from the fees collected by such offices; providing that said assistants and employees compensated from said fees shall be appointed by such district or criminal district attorneys with the advice and consent of the commissioners court of such counties, and that such assistants and employees so compensated, before

qualifying and entering upon the duties of such office and employment, shall be approved as to number and salaries by such commissioners courts; providing a method of appeal to the district judges of such counties when such commissioners courts shall fail or refuse to approve such employment and appointments; providing that the decision of all or a majority of such district judges, when so appealed to, approving or disapproving in whole or in part such appointments shall be final; providing that any class of fees accrued or to accrue to the offices of such district or criminal district attorneys may be used by such officials to pay the maximum amount of their own compensation as fixed or to be fixed by law, and that of such of their assistants and employees as are authorized to be compensated from fees of office, and for the payment from such fees of the expenses of every character incurred in the operation of such office; authorizing expenditures by said officials from such fees for certain enumerated purposes; requiring the approval by the commissioners courts of such counties of each expenditure so made in excess of Fifty Dollars (\$50); providing for an appeal to the district judges of said counties when said commissioners courts shall fail or refuse to approve any such expenditure; providing that the decision of all or a majority of such district judges, when so appealed to, approving or disapproving in whole or in part such expenditures shall be final; providing that this Act shall not repeal or affect or be affected by any Act or Acts permitting counties to bear or pay any part of the expenses incurred in the operation of the offices of such district or criminal district attorneys, nor shall the same be construed as repealing Chapter 98 of the Acts of the Regular Session of the Forty-third Legislature, and requiring such district or criminal district attorneys to submit the proper vouchers and receipts for such expenditures, and requiring a full and proper accounting therefor and authorizing and requiring the creation of an expense fund for such district or criminal district attorneys; providing for the maintenance and custody thereof and for the making of expenditures therefrom and an accounting therefor; requiring such district or criminal district attorneys

of such counties to execute a bond in double the amount of such fund; requiring the approval of said bond by the county judges of such counties and setting out the conditions thereof, limiting the liability of such district or criminal district attorneys and their sureties in certain cases with reference to said fund; providing for the payment of the premium on such bonds; providing that if any part of this Act be declared unconstitutional the validity of the remainder of the Act shall not be affected thereby, but shall remain operative, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendments and be not printed.

WOODRUFF, Chairman.

Committee Amendment.

Amend H. B. No. 62 by striking out of the caption and of the bill all provisions for or reference to appellate jurisdiction of district judges.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, Nov. 8, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 77, A bill to be entitled "An Act authorizing county commissioners courts to purchase materials for the purpose of aiding and co-operating with the agencies of the State and Federal Governments in the construction of buildings for the purpose of housing canneries and canning factories where appropriations have been or may hereafter be made out of the Federal and State funds set aside for the relief of the unemployed and needy people in the State of Texas, and to pay for such materials out of the County's Permanent Improvement Fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Vice-Chairman.